

REMARKS

Status of the Claims:

After entry of the instant Amendment, claims 1-5 are pending in the present application. Claim 1 is independent. Claims 4 and 5 have been added and are at least supported at page 8, line 24 to page 9, line 8 and at page 14, Table 3, transformed cells (4) and (5) of the Specification as filed. Accordingly, the present amendments to the claims do not introduce new matter into the application as originally filed. As such entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

Restriction Requirement:

The Examiner has required restriction between groups I-III as set forth on page 2 of the Office Action.

Applicants elect with traverse, Group I, claim 1, drawn to an HLA-E chimeric molecule. Claims 1, 4 and 5 read on the elected subject matter.

It is alleged in the Office Action that the claims of Groups I-III do not satisfy Unity of Invention requirements since, they lack the same or corresponding special technical feature that defines over the prior art. Specifically, the Examiner alleges that Matsunami et al., "Modulation of the Alpha 1 and 2 Domain Sequence of the Hla-E Gene Up-Regulates Its Expression and Function," Transplantation, Vol. 78, No. 2, page 157, Oral Abstract O1-O483, July 4, 2004, (hereinafter "Matsunami") teaches

...HLA-E chimeric molecules that have substitutions of portions of HLA-E with portions of HLA-G1: the signal peptide of HLA-G1, and additionally point substitution(s) in the $\alpha 1$ and $\alpha 2$ domains, the signal peptide of HLA-G1 plus the $\alpha 1$ and $\alpha 2$ domains of HLA-G1, or the HLA-G1 signal peptide plus the $\alpha 2$ domain of HLA-G1.

Applicants respectfully disagree that Matsunami renders the presently claimed invention either anticipated or obvious, because Matsunami is not available as prior art, since it was published after the priority date of November 4, 2003, of the present application.

Further, if required, Applicants may amend the claims of the groups to define over any cited reference. This cannot thus form the basis for a denial of Unity of Invention of the presently claimed subject matter. As such, the Unity of Invention rejection is traversed.

Election of Species Requirement:

The Examiner has required Election of Species between various Species identified on page 3 of the Office Action.

Applicants elect the following Species with traverse: an HLA-E chimeric molecule replacing all or part of the $\alpha 2$ domain of an HLA-E molecule with all or part of $\alpha 2$ domain of an HLA-G1 molecule. Claim 1, element (1) and claims 4 and 5 read on the elected Species.

The Election of Species requirement is traversed, as there exists no undue administrative burden for the Examiner to search and consider claims 1-5 in their entirety. Upon allowance of the elected Species, the Examiner is respectfully requested to expand the search to the non-elected Species.


CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, Ph.D., Registration No. 48,025 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By  #48,501
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